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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,110	04/18/2000	Kevin J. Gaughan	DF-7159	2550

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ZENITH ELECTRONICS CORPORATION
2000 MILLBROOK DRIVE
LINCOLNSHIRE, IL 60069

EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,110

Applicant(s)

GAUGHAN ET AL.

Examiner

Matthew R Demicco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-53 is/are allowed.
- 6) ☒ Claim(s) 44-47 and 54-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 4/9/04. Claims 44-65 are pending. Claims 1-43 are cancelled. Claims 44, 48 and 60 are amended.

Response to Arguments

2. Applicant's arguments filed with respect to Claims 44 and 60 have been fully considered but they are not persuasive. Applicant argues that there is no teaching of a TV set processing a message between the TV set and the WebTV box. As stated in the previous office action, the WebTV box may be integrated with the television. Further, it is not for the WebTV to be communicating with the television, but rather for the WebTV device, taken alone or in conjunction with the television, to communicate with the head-end controller (TV controller) as disclosed by the combination of Britt in view of Fuhrmann. Applicant has amended the claims to teach a television controller (head-end server) being coupled locally to the Internet module (WebTV). The Examiner argues that it is inherent that there be a form of local coupling, be it a coaxial or Ethernet cable, connecting the Internet module to the head-end server. This reads on the claimed television controller being coupled locally to the Internet module. Regarding Claim 60, Applicant has amended the claim language to include an Internet module (WebTV), wherein the Internet module is arranged to couple the television controller (head-end server) to the Internet. In the system of Britt, the WebTV server acts as a proxy, retrieving Internet content at the request of the WebTV clients (Col. 4, Lines 29-33). This reads on the claimed Internet

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module being arranged to couple the television controller to the Internet, based on a client's request for Internet data.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 44-47, 54-57 and 59-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,940,074 to Britt, Jr. et al. in view of U.S. Patent No. 5,991,308 to Fuhrmann et al.

Regarding Claim 44, Britt discloses a web television (See Figure 1) comprising a display (See Figure 3). Britt further discloses that the web television device may be built into the television set (Col. 5, Lines 21-23). It is inherent that such a television set would have a tuner wherein the tuner is arranged to select television video for display on the display. Further disclosed is an Internet module (Col. 4, Lines 6-33), arranged to supply Internet video for display on the display (Col. 5, Lines 28-30) wherein the Internet video is derived from Internet communications between the web television and internet content providers (Col. 5, Lines 23-27) as is well known in the art. The Internet module is programmed to execute a first software code (Col. 6, Lines 26-27). Britt additionally discloses a "WebTV server" which supports the clients (Col. 4, Lines 45-55) through

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Internet communication. These servers include a computer system (Col. 4, Line 58 – Col. 5, Line 5) for communication with the clients for software upgrade and configuration purposes (Col. 7, Lines 20-30). The server computer must inherently be programmed to execute a second software code as is well known in the art. The web television system of Britt is further aware of the version of software it is running (Col. 9, Lines 19-22). This information is necessary in order that the web television may update itself automatically with the latest code versions available on the network. The WebTV server of Britt reads on the claimed “television controller” that is separate from the Internet module and being computer based, wherein the controller is arranged to communicate with the Internet module using a message format, wherein the television controller is programmed to execute a second software code. It is inherent that there be a form of local coupling, be it a coaxial or Ethernet cable, connecting the Internet module to the head-end server. This reads on the claimed television controller being coupled locally to the Internet module. What Britt doesn’t disclose, however, is the transmission of the identification information between software programs. Fuhrmann discloses a cable television system with bi-directional data communication wherein a software revision number is transmitted from a client to a receiver in order for the receiver to check its software version for compatibility (Col. 95, Lines 11-22). Fuhrmann is evidence that ordinary workers in the art would recognize the benefit of being able to compare software revision information between programs in order to guarantee compatibility. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the web television with automatic software version updating of Britt with the communication of

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software revision information transmission of Fuhrmann such that the web television would be able to compare revisions of installed programs with available updates.

Regarding Claims 45-47, Britt in view of Fuhrmann disclose a system as stated above in Claim 44. Fuhrmann discloses the identification comprises a revision number as stated above. A version number, as is well known in the art, often consists of a major and minor number, such as 1.2. The first number indicates the release version, while the digit to the right of the decimal place indicates the revision thereof. Therefore, version and revision numbers are often inherently tied together and consequently synonymous in the art.

Regarding Claim 54, Britt in view of Fuhrmann disclose a system as stated above in Claim 44. Fuhrmann discloses that the client sends the receiving unit its software revision numbers (Col. 95, Lines 11-16). This reads on the claimed identification identifies the first software code and wherein the controller is arranged to receive the identification from the Internet module.

Regarding Claim 55-57, Britt in view of Fuhrmann disclose a system as stated above in Claim 54. The identification could comprise a version number or revision number as stated above due to the fact that in the art, version and revision numbers are synonymous.

Regarding Claim 59, Britt in view of Fuhrmann disclose a system as stated above in Claim 44. Fuhrmann teaches that receiving unit can request data from a sending unit (Col. 95, Lines 7-10). Therefore, the Internet module could make a request of the

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television controller for information regarding identification information, such as the identification of the second software code, as stated above.

Regarding Claim 60, Britt in view of Fuhrmann disclose a web television comprising a display, a tuner arranged to select television video for display, a television controller, an internet module that is arranged to supply internet video for display on the display wherein the Internet video is derived from Internet communications between the web television and Internet content provider, wherein the television and Internet controllers are arranged to communicate messages with one another, and wherein one of the messages contains software identification information as stated above in Claim 1. The WebTV server acts as a proxy, retrieving Internet content at the request of the WebTV clients (Col. 4, Lines 29-33). This reads on the claimed Internet module being arranged to couple the television controller to the Internet, based on a client's request for internet data.

Regarding Claims 61-63, Britt in view of Fuhrmann disclose a web television as stated above in Claim 60. The identification could comprise a version number or revision number as stated above due to the fact that in the art, version and revision numbers are synonymous.

Regarding Claim 64, Britt in view of Fuhrmann disclose a web television as stated above in Claim 44. Britt further discloses that the television controller comprises a microprocessor (Col. 4, Line 63).

Regarding Claim 65, Britt in view of Fuhrmann disclose a web television as stated above in 44. Britt further discloses that the television controller may include I/O devices

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such as a display monitor (Col. 5, Line 2). It is therefore inherent there must be a raster controller present to operate the display monitor.

1. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britt, Jr. et al. in view of Fuhrmann et al. and further in view of well-known prior art.

Regarding Claim 58, Britt in view of Fuhrmann disclose a system as stated above in Claim 44. Fuhrmann further discloses a system wherein the receiver of a message receives a "hello" message from the sender (Col. 95, Lines 11-16). Official Notice is hereby taken that it is well known in the art of digital communication that a handshake, involving a "hello" message followed by a reply from the recipient, is necessary when beginning a conversation or data transmission. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the system of Britt in view of Fuhrmann with the handshake of the well-known prior art in order to establish reliable digital communications. This reads on the claimed television controller being arranged to send a signal to the Internet module, wherein the signal indicates that the controller is going to send a message, and wherein the Internet modules responds to the signal with an acknowledgement indicating to the television controller that it may send a message.

Allowable Subject Matter

2. Claims 48-53 are allowed. The following is a statement for Examiner's reasons of allowability. Regarding Claim 48, the Examiner found neither prior art cited in its entirety, nor

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based on the prior art, found motivation to combine any of the said prior art that teaches a web television with an *Internet module programmed to execute a first software code* and a television controller being *separate* from the Internet module and being *computer based, programmed to execute a second software code* and arranged to communicate with the Internet module to process a message between the television controller and the Internet module indicating *identification* of one of the first and second software codes, wherein the identification identifies the second software code, that is, the *television controller code*, and wherein the television controller is arranged to *transmit the identification to the Internet module* and all subsequent limitations thereof.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


mrd
June 22, 2004


VIVEK SRIVASTAVA
PRIMARY EXAMINER